

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

In re:

KrisJenn Ranch, LLC,

Debtor

CHAPTER 11

CASE No. 20-50805

KrisJenn Ranch, LLC, KrisJenn Ranch,
LLC-Series Uvalde Ranch, and KrisJenn
Ranch, LLC-Series Pipeline ROW, as
successors in interest to Black Duck
Properties, LLC,

ADVERSARY No. 20-05027

Plaintiffs,

v.

DMA Properties, Inc., Frank Daniel
Moore, and Longbranch Energy, LP,

Defendants.

DMA Properties, Inc., Frank Daniel
Moore, and Longbranch Energy, LP,

ADVERSARY No. 20-05027

Counterplaintiffs,

v.

KrisJenn Ranch, LLC, KrisJenn Ranch,
LLC-Series Uvalde Ranch, and KrisJenn
Ranch, LLC-Series Pipeline ROW, Black
Duck Properties, LLC, Larry Wright,

Counterdefendants.

**LONGBRANCH, DMA, AND MOORE'S AMENDED DEPOSITION
DESIGNATIONS**

Longbranch Energy, DMA Properties, and Frank Daniel Moore hereby provide the following deposition designations in advance of trial.

First, nonparty witness Adam McLeod is expected to be unavailable to testify at trial and will be presented by deposition designation. Under Federal Rule of Civil Procedure 32(a)(4), a party may use the deposition of a witness “for any purpose” if the witness is unavailable at the time of trial. In turn, a witness is “unavailable” under Rule 32(a)(4) if the witness is more than 100 miles from the place of hearing or trial. As is established in his deposition testimony, Adam McLeod lives and resides more than 100 miles from San Antonio. Correspondingly, his deposition may be used for any purpose. Longbranch, DMA, and Moore designate the following portions of the deposition transcript for use at trial:

<u>Adam McLeod</u>	
6:16-22	170:18-171:14
7:11-17	172:8
8:8-12	173:2-174:5
9:15-20	175:5-16
11:7-12:5	176:18-176:15
16:13-17	178:11-25
17:25-18:7	179:3-18
38:2-25	181:13-22
41:5-42:17	182:13-21
43:16-44:20	183:3-9
46:17-47:13	203:25-204:5
47:20-48:12	206:9-12
63:15-64:6	206:19-207:5
64:21-65:22	235:23-237:4
66:7-13	237:17-238:10
66:20-67:10	
67:23-68:6	
70:18-71:19	
80:7-23	
110:5-113:11	
166:5-12	
167:22	

Second, under Federal Rule of Civil Procedure 32(a)(3), an adverse party may use the deposition of a corporate representative for any purpose. On September 29, 2020, Larry Wright gave deposition testimony in his capacity as the corporate representative for KrisJenn Ranch, LLC and its series. Longbranch, DMA, and Moore designate the following portions of the deposition transcript for use at trial:

<u>Larry Wright (09/29)</u>	
8:21-9:10 15:21-16:4 16:21-17:22 150:5-151:25 196:1-10 212:6-9 214:3-215:2 215:19-216:8 216:13-19 224:18-225:9 240:19-241:5 242:4-243:4 244:8-246:21	

DMA, Moore, and Longbranch will provide highlighted copies of the transcripts to the Court at the time of trial.

Respectfully submitted,

/s/ Christopher S. Johns

Christopher S. Johns
State Bar No. 24044849
Christen Mason Hebert
State Bar No. 24099898
JOHNS & COUNSEL PLLC
14101 Highway 290 West, Suite 400A
Austin, Texas 78737
512-399-3150
512-572-8005 fax
cjohns@johnsandcounsel.com
chebert@johnsandcounsel.com

/s/ Timothy Cleveland

Timothy Cleveland
State Bar No. 24055318
Austin Krist
State Bar No. 24106170
CLEVELAND | TERRAZAS PLLC
303 Camp Craft Road, Suite 325
Austin, Texas 78746
(512) 689-8698
tleveland@clevelandterrazas.com
akrist@clevelandterrazas.com

Attorneys for Longbranch Energy, DMA Properties, and Frank Daniel Moore

Andrew R. Seger
State Bar No. 24046815
KEY TERRELL & SEGER
4825 50th Street, Suite A
Lubbock, Texas 79414
806-793-1906
806-792-2135 fax
aseger@thesegerfirm.com

Natalie F. Wilson
State Bar No. 24076779
LANGLEY & BANACK
745 East Mulberry Avenue, Suite 700
San Antonio, Texas 78212
210-736-6600
210-735-6889 fax
nwilson@langleybanack.com

*Attorneys for DMA Properties and Frank
Daniel Moore*

Michael Black
BURNS & BLACK PLLC
750 Rittiman Road
San Antonio, TX 78209
mblack@burnsandblack.com

Jeffery Duke
DUKE BANISTER MILLER & MILLER
22310 Grand Corner Drive, Suite 110
Katy, TX 77494
jduke@dbmmlaw.com

Counsel for Longbranch Energy

CERTIFICATE OF SERVICE

I hereby certify that on January 6, 2021 a true and correct copy of the foregoing document was transmitted to each of the parties via the Court's electronic transmission facilities and/or via electronic mail as noted below. For those parties not registered to receive electronic service, a true and correct copy of the foregoing document was served by United States Mail, first class, postage prepaid, at the address noted below.

<p>Ronald J. Smeberg Charles John Muller, IV MULLER SMEBERG, PLLC 111 W. Sunset San Antonio, TX 78209 ron@smeberg.com john@muller-smeberg.com</p> <p><i>Counsel for KrisJenn Ranch, LLC, Krisjenn Ranch, LLC, Series Uvalde Ranch, KrisJenn Ranch, LLC, Series Pipeline Row</i></p>	<p>Michael Black BURNS & BLACK PLLC 750 Rittiman Road San Antonio, TX 78209 mblack@burnsandblack.com</p> <p>Jeffery Duke DUKE BANISTER MILLER & MILLER 22310 Grand Corner Drive, Suite 110 Katy, TX 77494 jduke@dbmmlaw.com</p> <p><i>Counsel for Longbranch Energy, LP</i></p>
<p>Ronald J. Smeberg THE SMEBERG LAW FIRM, PLLC 2010 W Kings Hwy San Antonio, TX 78201-4926 ron@smeberg.com</p> <p><i>Counsel for Black Duck Properties, LLC</i></p>	<p>Shane P. Tobin OFFICE OF THE U.S. TRUSTEE 903 San Jacinto Blvd, Room 230 Austin, Texas 78701 shane.p.tobin@usdoj.gov</p> <p><i>United States Trustee</i></p>
<p>William P Germany BAYNE, SNELL & KRAUSE 1250 N.E. Loop 410, Suite 725 San Antonio, TX 78209 wgermany@bsklaw.com</p> <p><i>Counsel for Larry Wright</i></p>	<p>John Terrill 12712 Arrowhead Lane Oklahoma City, OK 73120</p> <p><i>Third Party-Defendant, pro se</i></p>
<p>Laura L. Worsham JONES, ALLEN & FUQUAY, L.L.P. 8828 Greenville Avenue Dallas, TX 75243 lworsham@jonesallen.com</p> <p><i>Counsel for McLeod Oil, LLC</i></p>	

/s/ Christopher S. Johns

Christopher S. Johns